

**Before the
FEDERAL COMMUNICATIONS COMMISSION
Washington, D.C. 20554**

In the Matter of)	
)	
Request for Declaratory Ruling That the)	WT Docket No. 11-110
Commission's Rules Authorize Greater)	
Than 25 kHz Bandwidth Operations in)	
the 800 MHz ESMR Band)	
)	

To: Chief, Wireless Telecommunications Bureau

REPLY COMMENTS OF SOUTHERN COMPANY SERVICES, INC.

Southern Company Services, Inc. ("Southern") hereby submits these Reply Comments in support of the Comments of its affiliate, Southern Communications Services, Inc. d/b/a SouthernLINC Wireless ("SouthernLINC Wireless") on the Petition for Declaratory Ruling filed on June 3, 2011, by Sprint Nextel Corporation ("Sprint Nextel") to allow larger than 25 kHz bandwidth operations in the 800 MHz Enhanced Specialized Mobile Radio Service ("ESMR") band.¹

I. Introduction

Southern is a wholly-owned subsidiary service company of Southern Company, a super-regional energy company in the Southeast United States. Southern Company also owns four electric utility subsidiaries – Alabama Power Company, Georgia Power Company, Gulf Power Company, and Mississippi Power Company – which provide retail and wholesale electric service

¹ "Wireless Telecommunications Bureau Seeks Comment on Petition From Sprint Nextel to Allow Wideband Operations In 800 MHz Enhanced Specialized Mobile Radio Service Bands, WT Docket No. 11-110, *Public Notice*, DA 11-1152 (rel. June 30, 2011) ("Public Notice").

throughout a 120,000 square mile service territory in Georgia, most of Alabama, and parts of Florida and Mississippi. Southern is obligated to its employees and to the general public to conduct its operations in a safe manner and to maintain the reliability of its utility services. Members of the Southern Company family use a variety of communications technologies to support the safe and efficient delivery of energy services to their customers. In this regard, Southern and its operating company affiliates rely on mobile communications services provided by SouthernLINC Wireless for voice, dispatch, and data communications. As the largest “customer” of SouthernLINC Wireless, Southern has an interest in the types of services and technologies that SouthernLINC Wireless is able to deploy to support Southern’s electric utility operations.

II. Declaratory Ruling is Appropriate to Clarify These Issues

Southern has enjoyed highly reliable mobile communications service from SouthernLINC Wireless. SouthernLINC Wireless designed its network from the ground up to meet the needs of its electric operating company affiliates, and this network has proven itself to be highly resilient and reliable even during the most severe weather events. When the SouthernLINC Wireless network was originally designed it was optimized for use of non-contiguous 25 kHz channels with Motorola’s proprietary Integrated Digital Enhanced Network (“iDEN”) technology. This technology has served Southern’s need for voice and low-speed mobile data services very well. However, Southern foresees an increasing need for higher speed mobile data services and additional applications that might not be readily supported by the current platform used by SouthernLINC Wireless.

Southern agrees with SouthernLINC Wireless that the Commission should confirm that the standard bandwidth limitations in Section 90.209 of the Rules do not prohibit use of wider

bandwidth technologies in the 800 MHz Enhanced Specialized Mobile Radio Service (“ESMR”) band. Confirmation of this interpretation will greatly assist Southern and SouthernLINC Wireless in understanding how SouthernLINC Wireless may be able to adapt its network to evolving technologies and customer needs.²

Southern agrees with SouthernLINC Wireless and other commenters that the general provisions in Section 90.209 should not nullify the more specific provisions in Subpart S of Part 90 that authorize use of wider bandwidth channels in the 800 MHz ESMR band. In fact, Section 90.209(b)(5) notes that the channel spacings and “bandwidths that will be authorized” in different bands are as specified in the table “[u]nless specified elsewhere.” For purposes of the 800 MHz ESMR band, channel “bandwidths that will be authorized” are described in Subpart S of Part 90 and in the FCC’s previously announced policies for the 800 MHz band.

As noted by SouthernLINC Wireless, Sprint Nextel and other commenters, Section 90.691 of the FCC’s Rules clearly provides that the out-of-band emission requirements for Economic Area (EA)-based systems shall apply only to the “outer” channels included in an EA license and to spectrum adjacent to interior channels used by incumbent licensees. Thus, even though the rules for the 800 MHz band are premised on standard channels of 25 kHz bandwidth (as generally provided in Section 90.209), the specific rules for EA-based 800 MHz systems permit the combining of channels into larger bandwidths subject to compliance with the out-of-band limitations at the outer edge of the channel. Thus, Southern submits that the provisions of Section 90.209 and Section 90.691 are not in conflict, but agrees it would be extremely beneficial for the Commission to confirm that point before SouthernLINC Wireless (and by

² Southern joins SouthernLINC Wireless in noting that the ESMR band in Southern’s operating territory extends from 813.5-824 MHz and 858.5-869 MHz.

extension, Southern and other customers of SouthernLINC Wireless) investigate technologies that require wider bandwidth channels.

Southern notes that the “standard” bandwidths listed in Section 90.209 have not been modified for other Part 90 bands where the Commission has specifically allowed contiguous channels to be combined. For example, in 1997 and 1998 the Commission amended Section 90.733(d) of the rules governing the 220-222 MHz band to permit licensees to “combine any number of their authorized, contiguous channels (including channels derived from multiple authorizations) to form channels wider than 5 kHz.”³ As with contiguous channels at 800 MHz, the FCC specified that the out-of-band emission requirements applicable to the 220-222 MHz band “must be met only at the outermost edges of the contiguous channels.”⁴ In allowing use of wider bandwidth channels at 220-222 MHz, the Commission did not amend Section 90.209, which continues to state that the maximum authorized bandwidth at 220-222 MHz is 4 kHz.

Similarly, Section 90.645(h) of the Rules provides that up to 10 contiguous channels in the 896-901/935-940 MHz (“900 MHz”) band “may be combined for systems requiring more than the normal single channel bandwidth.” The Commission noted that this would “provide increased flexibility to employ spectrum efficient digital systems.”⁵ In adding this flexibility to Subpart S of Part 90 the Commission did not revise Section 90.209, which continues to state that the maximum authorized bandwidth in the 900 MHz land mobile band is 13.6 kHz. Thus, it

³ Amendment of Part 90 of the Commission’s Rules to Provide for the Use of the 220-222 MHz Band by the Private Land Mobile Radio Service, *Third Report and Order; Fifth Notice of Proposed Rulemaking* in PR Docket No. 89-552, 12 FCC Rcd 10943, 10991-93 (1997); recon. granted *Memorandum Opinion and Order on Reconsideration* in PR Docket No. 89-552, 13 FCC Rcd 14569 (1998).

⁴ 47 C.F.R. 90.733(e).

⁵ Amendment of Parts 2 and 22 of the Commission’s Rules Relative to Cellular Communications Systems, *Report and Order* in GEN Docket No. 84-1231, 2 FCC Rcd 1825, 1835 (1986).

would be entirely consistent with the Commission's long-standing interpretation of Section 90.209 to declare that the normal channel bandwidths listed in Section 90.209 do not prevent use of wider bandwidth channels in EA-based systems pursuant to Section 90.691.

III. Conclusion

Southern supports the issuance of a Declaratory Ruling to confirm that, pursuant to Section 90.691 of the Rules, licensees of EA-based systems in the 800 MHz band may aggregate channels into bandwidths larger than the normal bandwidths specified in Section 90.209. Issuance of this ruling will remove uncertainty and allow SouthernLINC Wireless, and Southern as its largest customer, to investigate potential opportunities to employ different technologies that may require bandwidths larger than 25 kHz.

Respectfully submitted,

SOUTHERN COMPANY SERVICES, INC.

By: /s/ Jeffrey L. Sheldon
Jeffrey L. Sheldon
FISH & RICHARDSON P.C.
1425 K Street, N.W., 11th Floor
Washington, DC 20005
T: 202-626-7761
F: 202-783-2331

Its Attorney

Dated: August 16, 2011